

No. 9/5/84-6Lab/1535.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Haryana State Minor Irrigation Tubewell Corporation, Chandigarh.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 13 of 1984

between

SHRI MANGAT RAM, WORKMAN AND THE MANAGEMENT OF HARYANA STATE MINOR IRRIGATION TUBEWELL CORPORATION, CHANDIGARH

Shri T. C. Gupta, A. R., for the workman.
Shri B. K. Bansal, J. E., for the respondent-management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Mangat Ram and the management of Haryana State Minor Irrigation Tubewell Corporation, Chandigarh, to this court, for adjudication,—*vide* Labour Department Gazette notification No. 7063-68, dated 20th February, 1984 :—

Whether the termination of services of Shri Mangat Ram is justified and in order ? If not, to what relief is he entitled ?

2. On receipt of order of reference, notices were issued to the parties. The parties appeared. The workman alleged that he was employed as Pump Operator with effect from 7th September, 1979 and worked as such upto 30th April, 1983, upon which date the respondent choose to terminate his services after giving a complete go-bye to the provisions of section 25-F of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, stand taken is that the workman was employed on purely temporary basis for the execution of a specific period after completion of which, his services could be justifiably terminated without any prior notice.

4. On the pleadings of the parties, the following issues were settled for decision by me on 16th November, 1984 :—

(1) Whether the termination of services of Shri Mangat Ram is justified and in order ? If not, to what relief is he entitled ?

5. Both the parties were allowed to lead their evidence. I have heard their representatives. My findings on the issue framed are as below :—

Issue No. 1 :

6. It is the admitted case of the respondent that the workman was employed on 1st May, 1982 and that his services were terminated on 30th April, 1983. So, the workman had completed one year's service with the respondent except for a brief spell of 11 days from 17th September, 1982 to 27th September, 1982. Even if this period is excluded even then the workman had actually worked for more than 240 days with the respondent during the last 12 calendar months from the date his services were terminated and as such the respondent was duty-bound to serve prior notice of termination upon the workman and also pay him retrenchment compensation if due. But the respondent did not choose to abide by the principles of law, codified under section 25-F of the Industrial Disputes Act, 1947 and as such the order of termination is held to be illegal and void *ab initio* and as such is set aside and in the process the workman is ordered to be reinstated forthwith with continuity of service and with full back wages. The reference is answered and returned accordingly. There is no order as to cost.

Dated the 16th February, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 13/84/317, dated 21st February, 1985

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.